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LRB-2455/1 SRM:wlj:jf

2009 SENATE RESOLUTION 6

April 9, 2009 - Introduced by Senators Leibham, Lazich, Darling, Grothman, Harsdorf and Schultz. Referred to Committee on Ethics Reform and Government Operations.

Relating to: state sovereignty.

2 Whereas, the Tenth Amendment to the Constitution of the United States reads, 3 "The powers not delegated to the United States by the Constitution, nor prohibited 4 by it to the States, are reserved to the States respectively, or to the people"; and 5 Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the U.S. Constitution and no more; and 6 7 Whereas, as the scope of power is defined by the Tenth Amendment, the federal 8 government was created by the states specifically to be an agent of the states; and 9 Whereas, today the states are demonstrably treated as agents of the federal 10 government; and Whereas, the legislature has forwarded to the federal government numerous 11 12 resolutions opposing federal encroachment on state powers but has received no 13 response or result from Congress or the federal government; and 14 Whereas, many federal mandates are directly in violation of the Tenth

Amendment to the Constitution of the United States; and

Whereas, the	U.S. Sı	ıpreme	Court	has rul	ed in	n New York	v. Ui	nited	State	es, 112
S. Ct. 2408 (1992)	that Co	ongress	may	not sim	ply o	commande	er the	e legi	slativ	e and
regulatory processo	es of th	e states	s; and							
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Whereas, a number of federal proposals from previous administrations and some now pending from the present administration and from Congress may further violate the U.S. Constitution; now, therefore, be it

Resolved by the senate, That the senate hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution; and, be it further

Resolved, That adoption of this resolution does not constitute an application for the calling of a federal Constitutional Convention within the meaning of Article V of the U.S. Constitution; and, be it further

Resolved, That this resolution shall serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and, be it further

Resolved, That the senate chief clerk shall provide copies of this joint resolution to the president of the United States, to the speaker of the U.S. House of Representatives, to the presiding officer of each house of each state legislature of the United States, and to each member of this state's congressional delegation.

21 (END)